

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

April 27, 2007

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Oahu

Approval for Leases, Easements, Licenses, Revocable Permits, Concessions, or Rights-of-Entry Pursuant to Hawaii Revised Statutes §171-11 Covering Lands Set Aside by Governor's Executive Order No. 0980 dated March 25, 1942; No. 2089 dated May 23, 1963; No. 2944 dated December 5, 1978; and No. 3778 dated July 26, 1999 as described hereinafter.

CONTROLLING AGENCY:

Department of Land and Natural Resources

APPLICANT:

City and County of Honolulu

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes, as amended

LOCATION & AREA:

All the area considered "Kuhio Beach", as described in Governor's Executive Order No. 0980 dated March 25, 1942; No. 2089 dated May 23, 1963; No. 2944 dated December 5, 1978; and No. 3778 dated July 26, 1999. A map generally depicting the subject areas is attached as Exhibit "B".

ZONING:

State Land Use Commission
City and County of Honolulu: Urban

ENCUMBRANCES:

Beach concessions. A list of the current concessions as provided by the City and County of Honolulu is attached as Exhibit "C".

REMARKS:

The applicant herein is the City and County of Honolulu pursuant to the language of §171-11, Hawaii Revised Statutes, as amended.

The City and County of Honolulu has managed the Kuhio Beach property for a significant number of years in accordance with the above noted Executive Orders.

Based upon the recommendation of the Department of Land and Natural Resources, Division of Land Management, letter dated January 26, 1990, (attached hereto as Exhibit "A"), the City and County of Honolulu Department of Parks and Recreation was identified to manage the subject property and the related issuance of concessions pursuant to the approval of the Board of Land and Natural Resources. However, effective July 1, 1998, under the reorganization approved by the voters by means of a City Charter amendment, the Kuhio Beach property falls under the jurisdiction of the City and County of Honolulu Department of Parks and Recreation, and the related Kuhio Beach concessions fall under the jurisdiction of the City and County of Honolulu Department of Enterprise Services.


Although the Department of Land and Natural Resources letter dated January 26, 1990, designated a specific Department within the City and County of Honolulu to manage the Kuhio Beach property, in compliance with §171-11, Hawaii Revised Statutes as amended, the City and County of Honolulu is responsible for the management of the subject property and the related issuance of concessions.

RECOMMENDATION:

That the Board approves the issuance of beach concessions on the subject property by the City and County of Honolulu in compliance with §171-11, Hawaii Revised Statutes, as amended, for all lands covered by Governor's Executive Order Nos. 0980, 2089, 2944 and 3778.

Respectfully submitted,



 Russell Y. Tsuji
Administrator

Enc: Exhibits "A", "B" and "C"


APPROVED FOR SUBMITTAL

Peter T. Young, Chairperson

JOHN WARDEN
CHIEF OF BUREAU



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF LAND MANAGEMENT
P. O. BOX 501
HONOLULU, HAWAII 96809

AGRICULTURE DEVELOPMENT
PROGRAM
AGRICULTURAL RESOURCES
CONSERVATION AND
ENVIRONMENTAL AFFAIRS
CONSERVATION AND
RESOURCES ENFORCEMENT
CONSERVATION
FORESTRY AND WILDLIFE
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

January 26, 1990

Board of Land and
Natural Resources
Honolulu, Hawaii

Gentlemen:

OAHU

Subject: Set Aside of State Land for Beach Reserve Purposes
Fronting Kuhio Beach and Kapiolani Park at Waikiki,
Oahu

STATUTE: Chapter 171, Hawaii Revised Statutes

APPLICANT: CITY AND COUNTY OF HONOLULU, DEPARTMENT OF PARKS
AND RECREATION

FOR: Set aside by executive order of a beach reserve
fronting TMK: 2-6-01:2, 3, 4, 8, 10, 18; 3-1-30:1,
3, 4, 5; and 3-1-31:4, 5, identified as Kuhio Beach
and Kapiolani Parks at Waikiki, Oahu.

LOCATION & AREA:

Location: Beach area fronting Kuhio Beach and Kapiolani
Parks, Waikiki, TMK: 2-6-01:2, 3, 4, 8, 10, 18; 3-1-
30:1, 3, 4, 5; and 3-1-31:4, 5 to be determined by State
Surveyor (makai park boundary to low-low water mark)

LAND TITLE STATUS

Sub-section 5(b), Statehood Admissions Act

ZONING

State Land Use Commission:
City & County of Honolulu Zoning: Urban

ENCUMBRANCE

Revocable Permit No. S-5644 covering 1,070 sq. ft. of
beach fronting TMK: 2-6-01:18 issued to Star Beachboys,
Inc. for beach services

REMARKS

The City and County of Honolulu, Department of Parks and
Recreation, has requested the set aside by executive
order of a beach reserve fronting their existing beach
parks (Kuhio and Kapiolani) at Waikiki. Their request
is based on discussions with our Department regarding
jurisdiction and day-to-day management problems in the
area.

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EDH

JAN 26 1990

ITEM F-15

EXHIBIT

**Board of Land and
Natural Resources**

January 26, 1990

REMARKS: The jurisdictional problems emanate from the fact that the County beach park boundaries are usually located by a metes and bounds description. In the area under consideration, a beach has accumulated makai of the boundary of the beach park. This beach area is considered unencumbered State land under our jurisdiction up to the water. Surface water activities are managed by the Department of Transportation, Harbors Division.

Due to the natural movement of sand, the build-up to beach area fronting the beach parks fluctuates. It also creates a problem for both the City and our Department in our efforts to police activities in the beach park and beach area. Attempts to cite violators are often times confusing because of difficulty in locating the property line between the beach park and beach. This action is intended to clarify jurisdiction in the area by consolidating management under one agency.

As a part of this action, staff is also requesting that the Revocable Permit No. (S-5644) to Star Beachboys, Inc., be terminated. We understand that the City is planning to phase out their permits on Waikiki Beach in favor of concessions put out at public auction. We have already approved a concession for the surf racks and are reviewing a request for a concession at the Kapahulu Groin area. Allowing our permittee to remain would not be consistent with their future plans. Moreover, Star Beachboys would probably be eligible to bid on concessions offered by the City.

RECOMMENDATION

- A. The Board terminate Revocable Permit No. S-5644 to Star Beachboys, Inc. effective thirty days from the date of this meeting.
- B. The Board recommend that the Governor of the State of Hawaii issue an executive order which would set aside the above-described area to be managed by the City and County of Honolulu, Department of Parks and Recreation, for beach reserve purposes subject to the following:
 1. Upon cancellation of this executive order and/or abandonment of the premises for park purposes, the premises shall be restored to a condition acceptable to this department.
 2. Prior to final documentation and set aside by the Governor, the City and County of Honolulu, Department of Parks and Recreation, obtain from the City Council their acceptance, by resolution, of the set aside.
 3. Other terms and conditions as may be prescribed by the Chairperson.

Board of Land and
Natural Resources

January 26, 1990

4. Review and approval of the set aside documents by the Department of the Attorney General.
5. The subject set aside is strictly for management purposes and does not convey ownership to the mauka properties of any of the accreted beach area.

Respectfully submitted,

W. Mason Young
W. MASON YOUNG
Acting Land Management Administrator

APPROVED FOR SUBMITTAL:

W
WILLIAM W. PATE, Chairperson

City County of Honolulu
Department of Enterprise Services

Concession Name	Contract #	Contract Duration	Description of Service
Beach Services Concession (4 Stands)	99054; 99055; 99045; 99065	3 year period	Beach equipment rental, surfing lessons from licensed instructors.
Surfboard Lockers	Operated by DES directly.	n/a	Lockers to store surfboards (located behind Kuhio Beach Police Substation.
Security Lockers	Operated by DES directly.	n/a	Lockers to store personal items. Day lockers in bathrooms, recreational lockers by checker table area.
Food Concession	99077	5 year period	To operate the food concession stand.

EXHIBIT "C"